

1 ROB BONTA
Attorney General of California
2 JANELLE M. SMITH, State Bar No. 231801
Supervising Deputy Attorney General
3 JOHN S. SASAKI, State Bar No. 202161
DAVID M. MEEKER, State Bar No. 273814
4 EMILY M. HAJARIZADEH, State Bar No. 325246
Deputy Attorneys General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6335
Fax: (916) 713-2128
7 E-mail: John.Sasaki@doj.ca.gov
Attorneys for Respondents/Defendants California
8 Air Resources Board and Executive Officer
Steven S. Cliff
9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12

13 **THE TWO HUNDRED FOR**
14 **HOMEOWNERSHIP, a California**
15 **Nonprofit Public Benefit Corporation,**
16 **ROBERT APODACA, an individual, and**
17 **JOSE ANTONIO RAMIREZ, an individual,**

18 Petitioner and Plaintiff,

19 v.

20 **CALIFORNIA AIR RESOURCES BOARD,**
21 **STEVEN S. CLIFF, in his official capacity,**
22 **and DOES 1-25,**

23 Respondents and
24 Defendants.
25
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27
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No. 1:22-cv-01474-KES-BAM

**STIPULATION AND [PROPOSED]
ORDER RE STAY OF ACTION
PENDING OUTCOME OF OTHER
LITIGATION**

Scheduling Conference

Date: October 29, 2025
Time: 9:30 a.m.
Courtroom: 8
Judge: Barbara A. McAuliffe

Trial Date: None set
Action Filed: November 14, 2022

1 WHEREAS, on November 14, 2022, Petitioners/Plaintiffs The Two Hundred for Home
2 Ownership, Robert Apodaca and Jose Antonio Ramirez (collectively, “Plaintiffs”) initiated this
3 action by filing their Verified Complaint for Declaratory and Injunctive Relief; Petition for Writ
4 of Mandate (“Complaint”) herein;

5 WHEREAS, the Complaint challenges the Advanced Clean Cars II (“ACC II”) regulations
6 adopted by the California Air Resources Board, including the zero-emission vehicle (“ZEV”) requirements established by those regulations;

8 WHEREAS, on March 7, 2023, Respondents/Defendants California Air Resources Board
9 and Steven S. Cliff (together, “Defendants”) filed a motion to dismiss the Complaint under
10 Rule 12(b) of the Federal Rules of Civil Procedure;

11 WHEREAS, as of the filing of this stipulation, the Court has not yet ruled on Defendants’
12 motion to dismiss;

13 WHEREAS, a scheduling conference is currently set in this action for October 29, 2025 at
14 9:30 a.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe;

15 WHEREAS, on January 6, 2025, the United States Environmental Protection Agency
16 granted California a “waiver of Clean Air Act (CAA) preemption” (“Waiver”) regarding the
17 ACC II regulations pursuant to section 209(b) of the Clean Air Act;

18 WHEREAS, on May 1, 2025, the United States House of Representatives adopted a
19 resolution which stated that “Congress disapproves” the Waiver, and on May 22, 2025, the United
20 States Senate joined the House in adopting that resolution;

21 WHEREAS, that Congressional resolution was signed by the President on June 12, 2025;

22 WHEREAS, on June 12, 2025, the State of California, among other States, filed a lawsuit in
23 the U.S. District Court for the Northern District of California challenging the Congressional
24 resolution to disapprove the Waiver, entitled *California v. United States*, Case No. 4:25-cv-04966
25 (N.D. Cal. filed June 12, 2025) (“Resolution Litigation”);

26 WHEREAS, Plaintiffs and Defendants agree that the validity of the Waiver is a threshold
27 question as to the enforceability of the ACC II regulations and their ZEV requirements;

1 WHEREAS, Plaintiffs and Defendants further agree that judicial and party resources could
2 be preserved if this action were stayed during the course of the Resolution Litigation;

3 WHEREAS, a California state court action challenging the ACC II regulations and their
4 ZEV requirements, entitled *Western States Petroleum Association v. California Air Resources*
5 *Board* (Fresno Superior Court, Case No. 22CECG03603), previously was stayed pending final
6 court determination in the Resolution Litigation; and

7 WHEREAS, there are several federal court actions challenging the Waiver that similarly
8 have been stayed and/or held in abeyance, including *American Free Enterprise Chamber of*
9 *Commerce v. United States Environmental Protection Agency* (Ninth Circuit Court of Appeals,
10 Case No. 25-106), *Valero Renewable Fuels Company, LLC et al. v. Environmental Protection*
11 *Agency* (D.C. Circuit Court of Appeals, Case No. 25-1078).

12 **STIPULATION**

13 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, by and
14 through their respective counsel, that (i) this action should be stayed and held in abeyance until
15 further order of this Court; and (ii) while the stay remains in effect, the Parties should file joint
16 reports herein regarding the status of the Resolution Litigation every 90 days with the initial
17 report to be filed no later than January 23, 2026, or as otherwise required by the Court.

18 Dated: October 14, 2025

ROB BONTA
Attorney General of California

19 /s/ John S. Sasaki

20 JOHN S. SASAKI
21 Deputy Attorney General
22 *Attorneys for Respondents/Defendants*
California Air Resources Board et al.

23 Dated: October 14, 2025

HOLLAND & KNIGHT LLP

24 /s/ Brian C. Bunger (per e-mail authorization
25 on October 13, 2025)

26 BRIAN C. BUNGER
27 *Attorneys for Petitioners/Plaintiffs The Two*
28 *Hundred for Homeownership et al.*

[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, and for good cause shown, this action is hereby stayed and shall be held in abeyance pending further order of the Court.

While the stay is in effect, the parties shall file joint reports herein regarding the status of the action entitled *California v. United States*, Case No. 4:25-cv-04966 (N.D. Cal. filed June 12, 2025). The first such report shall be filed no later than January 23, 2026, and subsequent reports shall be filed every 90 days thereafter.

The scheduling conference currently scheduled for October 29, 2025 is hereby taken off calendar, and all deadlines previously established by this Court are hereby vacated.

IT IS SO ORDERED.

Dated: _____

HON. BARBARA A. McAULIFFE
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Case Name: **The Two Hundred for Home
Ownership, et al. v. California
Air Resources Board, et al.** No. **1:22-cv-01474-KES-BAM**

I hereby certify that on October 14, 2025, I electronically filed the following document(s) with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER RE STAY OF ACTION PENDING
OUTCOME OF OTHER LITIGATION**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 14, 2025, at Los Angeles, California.

John S. Sasaki

Declarant

/s/ John S. Sasaki

Signature